IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1 OF 2004.

The State of Maharashtra. ..Appellant.

VERSUS.

Balu Rajaram Hajare & Ors. ..Respondents.

...

Mr. D. S. Mhaispurkar, APP for the appellant - State.

Mr. Nitin Pradhan i/b. S.P.Khot for respondent Nos. 1 to 3.

CORAM: S. B. MHASE &
A.V. MOHTA, JJ.

DATE : NOVEMBER 23, 2004.

P.C.:-

1. Heard Mr. D. S. Mhaispurkar. The admitted position is that there is a long standing enmity between the complainant and the accused. The evidence is also suffering from discrepancies as pointed out by the trial judge. The trial judge has also observed that the accused were carrying out the activity of spreading insecticides. It is very difficult to believe that the accused possessed axe to inflict the injury. The injury is also not correlating the weapon. The view taken by the trial court is possible. The recovery panchnama is also not proved.

Therefore, no interference is called for.

(A.V.MOHTA, J.) **(S.B.MHASE,J.)**